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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,139	04/04/2001	Keith E. Moll	1545	2337

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EXAMINER

CHO, UN C

ART UNIT PAPER NUMBER

2682

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,139

Applicant(s)

MOLL ET AL.

Examiner

Un C Cho

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 7 recites the limitation "the mobile system" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.
3. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Allowable Subject Matter

4. The indicated allowability of claim 9 is withdrawn in view of the newly discovered reference(s) to Moore et al. (US 6,434,381) and Richton (US 6,650,902). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 2, 6, 7 and 10 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al. (US 6,434,381) in view of Richton (US 6,650,902).

Regarding claim 4, Moore teaches receiving a position of the mobile station with a request for local information and services (Moore, Col. 3, lines 32 –

36 and 51 - 56), associating a predetermined region with the position of the mobile station and with the local information and services (Moore, Col. 4, lines 64 – 67), and retrieving the local information and services associated with the predetermined region (Moore, Col. 5, lines 6 – 12). However, Moore fails to teach associating a level of granularity with the service identifier, and based on the service identifier instructing the cellular wireless system to determine the position of the mobile station at the associated level of granularity. In contrast, Richton teaches associating geographic criteria with the designated target, and based on the designated target instructing the system to determine the position of the mobile station at the associated geographic criteria (Richton, Col. 8, lines 58 – 66). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Richton to Moore to provide a system, which tailors beneficial information to specific individual needs.

Regarding claim 2, Moore as modified by Richton teaches location-based server having (Richton, Fig. 3, 221) stored therein instructions to execute the method of claim 4 (Richton, Col. 3, lines 9 – 28).

Regarding claim 6, Moore as modified by Richton teaches determining geographical criteria thresholds (Richton, Col. 4, lines 41 – 44 and Col. 8, lines 58 – 66) and instructing location-determining server to provide the position of the mobile station (Richton, Col. 6, lines 31 – 34 and 46 – 52).

Regarding claim 7, Moore as modified by Richton teaches receiving global positioning system coordinates from the mobile station, wherein the coordinates represent the position of the mobile station (Richton, Col. 9, lines 39 – 44).

Regarding claim 10, Moore as modified by Richton teaches reading the local information and services information from a database entry, wherein the database entry is associated with the predetermined region (Richton, Col. 6, lines 46 – 52).

Regarding claim 11, Moore as modified by Richton teaches providing the location based information associated with the predetermined region to the mobile station (Moore, Col. 4, lines 64 – 67).

Regarding claim 12, Moore as modified by Richton teaches a wireless switching station (Richton, Fig. 2, 220), location-determining server (Richton, Fig. 3, 303), a location-based controller (Richton, Fig. 3, 301) connected to the wireless switching station and to the location-determining server (Richton, Col. 3, lines 9 – 28), receiving a request for the location based information from the switch, wherein the request includes local information and services (Moore, Col. 3, lines 32 – 36 and 51 - 56), associating geographic criteria with the designated target, and based on the designated target instructing the system to determine the position of the mobile station at the associated geographic criteria (Richton, Col. 8, lines 58 – 66), obtaining a position of the mobile station from the location-determining server (Richton, Col. 6, lines 31 – 34), associating a predetermined region with the position of the mobile station and with the local information and

services (Moore, Col. 4, lines 64 – 67), retrieving the local information and services associated with the predetermined region (Moore, Col. 5, lines 6 – 12) and providing the local information and services to the wireless switching station for forwarding to the mobile station (Richton, Col. 7, lines 50 – 52).

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Richton as applied to claim 4 above, and further in view of Caughran et al. (US 2002/0107029).

Regarding claim 3, Moore as modified by Richton teaches the limitations of claim 4. However, Moore as modified by Richton fails to teach ascertaining a zone layer for the service identifier, wherein the zone layer is a categorization of zones for the service identifier, selecting a zone from the zone layer wherein the zone corresponds to the position of the mobile station and determining the provider-defined region that encompasses the zone. In contrast, Caughran teaches including a zone type in the request, wherein the zone type is a categorization of zones of predetermined geographical area, selecting a geographical data from the zone type, wherein the zone based geographical data corresponds to the position of the mobile subscriber unit and determining the geographical data with respect to the zone type requested (Caughran, Paragraph 0005, lines 7 – 16). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Caughran to Moore and Richton to provide a way for obtaining geographical zone data for a mobile subscriber unit.

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8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Richton as applied to claim 4 above, and further in view of Alperovich et al. (US 6,233,448).

Regarding claim 5, Moore as modified by Richton teaches determining geographical criteria thresholds (Richton, Col. 4, lines 41 – 44 and Col. 8, lines 58 – 66). However, Moore as modified by Richton fails to teach assigning a cell identifier as the position of the mobile station. In contrast, Alperovich teaches assigning a cell ID to determine the general position of the mobile station (Alperovich, Col. 3, lines 49 – 50). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Alperovich to Moore and Richton to performing selected actions based upon the location of a mobile station in a mobile communications network.

9. Claims 8, 9 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Richton as applied to claim 4 above, and further in view of Chern (US 2003/0060211).

Regarding claim 8, Moore as modified by Richton teaches the limitations of claim 4. However, Moore as modified by Richton fails to teach mapping the provider-defined region to a universal resource locator, transmitting a request for the location based information to the universal resource locator and receiving a response containing the location based information from the universal resource locator. In contrast, Chern teaches creating the service provider to the web page

URL, transmitting a request for the location based information to the URL and receiving a response containing the location of the location based information from the URL (Chern, Page 6, Paragraph 0074 and 0075). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of Chern to Moore and Richton to provide a way to add new features to the communication devices to create a more efficient location based information retrieval system for a wireless communication device.

Regarding claim 9, Moore as modified by Richton and Chern teaches receiving a position of the mobile station and local information and services, associating a predetermined region with the position of the mobile station and with the local information and services (Moore, Col. 3, lines 32 – 36, 51 – 56 and Col. 4, lines 64 – 67), retrieving the local information and services associated with the predetermined region (Moore, Col. 5, lines 6 – 12), creating the service provider to the web page URL, transmitting a request for the location based information to the URL and receiving a response containing the location of the location based information from the URL (Chern, Page 6, Paragraph 0074 and 0075), associating a identifier with the mobile station, wherein the request includes the identifier but no other identifier for the mobile station, determining whether the response contains the identifier and when the response contains the identifier associating the location based information with the mobile station (Richton, Col. 10, lines 36 – 47).

Regarding claim 15, the claim is interpreted and rejected for the same reason as set forth in claim 9.

10. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore in view of Richton, in view of Caughran and further in view of Chern.

Regarding claim 13, Moore as modified by Richton Caughran and Chern teaches receiving local information and services, associating geographic criteria with the designated target, instructing the cellular wireless system to determine a position of the mobile station at the associated geographic criteria (Richton, Col. 6, lines 31 – 34 and 46 – 52), associating a zone type in the request, wherein the zone type is a categorization of zones of predetermined geographical area, selecting a geographical data from the zone type, wherein the zone based geographical data corresponds to the position of the mobile subscriber unit and determining the geographical data with respect to the zone type requested (Caughran, Paragraph 0005, lines 7 – 16), creating the service provider to the web page URL, transmitting a request for the location based information to the URL and receiving a response containing the location of the location based information from the URL (Chern, Page 6, Paragraph 0074 and 0075).

Regarding claim 14, Moore as modified by Richton, Caughran and Chern teaches location-based server having stored therein instructions to execute the method of claim 13 (Richton, Col. 3, lines 9 – 28).

Response to Arguments

11. Applicant's arguments with respect to claim 4, 2, 7, 10 – 14 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703)305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on (703)308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho UC 7/7/04
Examiner
Art Unit 2682


LEE NGUYEN
PRIMARY EXAMINER